

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

**ORDER DENYING PLAINTIFF'S MOTION FOR PERMISSION TO FILE
INTERLOCUTORY APPEAL**

The *pro se* prisoner plaintiff, Raymond A. Clark, has filed a motion seeking permission to file an interlocutory appeal in this case. The defendants have filed an objection to that request.

On March 20, 2006, the Court entered an order denying plaintiff's motion for summary judgment and granting the defendants' motion to dismiss. However, the Court also granted a motion to amend the complaint to add allegations that he was denied parole on the basis of his race; therefore, all of the issues in the case have not been resolved.

Interlocutory appeals are permitted only under the limited circumstances that are set out in 28 U.S.C. § 1292. This case does not fall into any of the categories specified in subsection (a) of § 1292. Subsection (b) allows a district judge to specify, in an appropriate case, that an interlocutory order “involves a controlling question of law as to which there is

substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.” Contrary to plaintiff’s assertion, this case does not satisfy that § 1292(b) standard, so that an interlocutory appeal would not be appropriate. Likewise, the Court finds that certification of a final judgment under Federal Rule of Civil Procedure 54(b) would be inappropriate.

Plaintiff’s motion for permission to file an interlocutory appeal (dkt. #59) is DENIED.
IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE